

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

RAMIRO MENDOZA-GUERRA,
Defendant.

No. CR 09-0943 MMC

**ORDER DENYING MOTION FOR
SENTENCE REDUCTION**

Before the Court is defendant Ramiro Mendoza-Guerra's ("Mendoza-Guerra") pro se "Motion for Sentencing Reduction," filed November 3, 2014, pursuant to 18 U.S.C. 3582(c)(2) and Amendment 782 to § 1B1.10 of the United States Sentencing Guidelines. On December 9, 2014, the United States Probation Office filed a "Sentence Reduction Investigation Report," recommending no reduction in Mendoza-Guerra's sentence, for the reason that Mendoza-Guerra was sentenced to the applicable statutory minimum. That same date, the Office of the Federal Public Defender, which previously represented defendant, filed a "Notice of Nonintervention," stating the Public Defender has no comment as to the above-referenced report, has nothing further to add to defendant's motion, and is not seeking to intervene in the matter.

Having read and considered the motion and materials filed in response to the motion, the Court finds, for the reasons stated by the Probation Office, that Mendoza-

1 Guerra is not entitled to a reduction in his sentence. See Application Notes, Amendment
2 782, U.S.S.G. § 1B1.10 (“[A] reduction in the defendant’s term of imprisonment is not
3 authorized under 18 U.S.C. § 3582(c)(2) and is not consistent with this policy statement
4 if . . . the amendment does not have the effect of lowering the defendant’s applicable
5 guideline range because of the operation of another guideline or statutory provision (e.g., a
6 statutory mandatory minimum term of imprisonment).”).

7 Accordingly, defendant’s motion is hereby DENIED.

8 **IT IS SO ORDERED.**

9 Dated: January 5, 2015

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11 MAXINE M. CHESNEY
12 United States District Judge
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